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UNITED STATES DISTRICT COURT

Southern

District of

New York

DOC #:

DATE FILED: 10/13/2016

C&L International Trading Inc., et al.

V.

American Tibetan Health Institute, Inc., et al.

Case Number: 13-CV-2638

Amended
BILL OF COSTSJudgment having been entered in the above entitled action on 7/8/2016 against C&L International Trading Inc.,
Date

the Clerk is requested to tax the following as costs:

PLAINTIFF PAID FEE Fees of the Clerk	Itemization pg. 3	\$0	350.00
Fees for service of summons and subpoena	Itemization pg. 5	100.64	252.48
APPORTIONED Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	Itemization pg. 8	1,090.52	3,884.86
APPORTIONED Fees and disbursements for printing	Itemization pg. 21	762.84	2,449.75
APPORTIONED Fees for witnesses (itemize on page two)	Itemization pg. 37	1,346.21	3,127.18
Fees for exemplification and copies of papers necessarily obtained for use in the case	Itemization pg. 51	3.00	414.50
Docket fees under 28 U.S.C. 1923			
Costs as shown on Mandate of Court of Appeals			
Compensation of court-appointed experts	Itemization pg. 56	1,100.00	12,975.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828			
APPORTIONED Other costs (please itemize)	Itemization pg. 65	1,033.63	5,147.95
	TOTAL	\$	28,601.70

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

\$ 5,436.80

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Name of Attorney:

Otto Lee

For: Defendants American Tibetan Health Institute, Inc., et al.

Date: 8/9/2016

Costs are taxed in the amount of 85,436.80 and included in the judgment.

Clerk of Court

By:

Deputy Clerk

Date

RUBY J. KRASICK

10/13/2016

NOTICE

"Sec. 1924. Verification of bill of costs."

See also Section 1920 of Title 28, which reads in part as follows:

The Federal Rules of Civil Procedure contain the following provisions:

Rule 6(e)

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

C&L INTERNATIONAL TRADING INC.,
K&C INTERNATIONAL TRADING INC.,
and KAM NG,

Plaintiffs,

v.

AMERICAN TIBETAN HEALTH
INSTITUTE, INC., CHUNG KEE (USA)
INTERNATIONAL INC., YAT CHAU (USA)
INC., TUNG REN TANG, RON FENG
TRADING INC., FARGO TRADING INC.,
YONG LONG SUPERMARKET INC., and
PO WING HONG FOOD MARKET INC.,

Defendants.

Case No.: 13-CV-2638 (LLS)

**CORRECTED
DEFENDANTS' NOTICE OF TAXATION
OF COSTS**

*(Bill of Costs, and Declaration of Otto O. Lee
with Itemization of Costs filed concurrently
herewith)*

TO ALL COUNSEL OF RECORD, PLEASE TAKE NOTICE that pursuant to Local Civil Rule 54.1(a) and the July 8, 2016 Order entering "judgment herein in favor of defendants American Tibetan Health Institute, Inc. et al. and against plaintiffs C&L International Trading Inc., Kam Ng, and K&C International Trading Inc., dismissing the complaint and amended complaint (Dkt. Nos. 1, 17), with costs and disbursements in favor of defendants according to law..." (Docket 173), the Bill of Costs, and upon the Declaration of Otto Lee including Itemization of Costs, and all other papers and proceedings herein, Defendants American Tibetan Health Institute, Inc., Chung Kee (USA) International Inc., Yat Chau (USA) Inc., Tung Ren Tang, Ron Feng Trading Inc., Yong Long Supermarket Inc., and Po Wing Hong Food Market Inc., by and through their respective counsel, will and hereby do move this Court before the Orders and Judgment Clerk, on Friday, September 12, 2016 at 9:00 a.m. in Room 200 of the

Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, or at such other location and time as set by the Court, for entry of taxation of costs against C&L International Trading Inc., Kam Ng, and K&C International Trading Inc.

Respectfully submitted,

Dated: August 11, 2016

By: /s/ Otto Lee

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Bonnie J. Wolf, Esq. (*pro hac vice*)
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REN TANG, RON FENG TRADING INC.,
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Case No.: 13-CV-2638 (LLS)

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OF COSTS**

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TO ALL COUNSEL OF RECORD, PLEASE TAKE NOTICE that pursuant to Local Civil Rule 54.1(a) and the July 8, 2016 Order entering "judgment herein in favor of defendants American Tibetan Health Institute, Inc. et al. and against plaintiffs C&L International Trading Inc., Kam Ng, and K&C International Trading Inc., dismissing the complaint and amended complaint (Dkt. Nos. 1, 17), with costs and disbursements in favor of defendants according to law..." (Docket 173), the Bill of Costs, and upon the Declaration of Otto Lee including Itemization of Costs, and all other papers and proceedings herein, Defendants American Tibetan Health Institute, Inc., Chung Kee (USA) International Inc., Yat Chau (USA) Inc., Tung Ren Tang, Ron Feng Trading Inc., Yong Long Supermarket Inc., and Po Wing Hong Food Market Inc., by and through their respective counsel, will and hereby do move this Court, before the Honorable Louis L. Stanton, on Friday, September 12, 2016 at 10:00 a.m. in Courtroom 21C of

the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, or at such other location and time as set by the Court, for entry of taxation of costs against C&L International Trading Inc., Kam Ng, and K&C International Trading Inc.

Respectfully submitted,

Dated: August 9, 2016

By: /s/ Otto Lee

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REN TANG, RON FENG TRADING INC.,
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

C&L INTERNATIONAL TRADING INC.,
K&C INTERNATIONAL TRADING INC.,
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v.

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INSTITUTE, INC., CHUNG KEE (USA)
INTERNATIONAL INC., YAT CHAU (USA)
INC., TUNG REN TANG, RON FENG
TRADING INC., FARGO TRADING INC.,
YONG LONG SUPERMARKET INC., and
PO WING HONG FOOD MARKET INC.,

Defendants.

Case No.: 13-CV-2638 (LLS)

**DECLARATION OF OTTO LEE IN
SUPPORT OF A NON-MOTION:
DEFENDANTS' NOTICE OF TAXATION
OF COSTS**

I, Otto Lee, declare as follows:

1. I am a Partner and registered patent attorney at Intellectual Property Law Group LLP ("IPLG"), counsel for Defendants American Tibetan Health Institute, Inc., Chung Kee (USA) International Inc., Yat Chau (USA) Inc., Tung Ren Tang, Ron Feng Trading Inc., Yong Long Supermarket Inc., and Po Wing Hong Food Market Inc. (collectively "ATHI" or "Defendants") in this action. I have personal knowledge of the facts stated herein and found within the attached documents, and if called to testify, could and would competently testify thereto. I provide this declaration in support of Defendants' Notice of Taxation of Costs and Bill of Costs.

2. From the time that Defendants engaged IPLG to represent it in this matter in 2013, I have been the senior managing attorney for IPLG working on this case on a day-to-day

basis, responsible for overseeing this litigation and coordinating with our co-counsel at Kloss, Stenger and LoTempio. I have worked extensively on this case and have first-hand knowledge of the efforts undertaken to carry the case through completion. I am a member in good standing with the State Bar of California for the past two decades since graduating from University of California Hastings College of the Law. I have over 20 years of intellectual property litigation experience, and am admitted *pro hac vice* in this Court.

3. I regularly review the billing records for this matter before our firm sends any bills to the client, and I have reviewed the billing records with respect to this matter. As the managing attorney for this matter, I supervised the billing and cost entries of all IPLG attorneys and staff in this matter. In the ordinary course of business, attorneys and paralegals at IPLG prepare and enter their costs incurred into time recording software called TimeSlips, through which attorney time can be captured and billed down to the tenth of an hour (six minutes). As a matter of firm policy and regular practice, these individuals enter the costs at or near the time that the cost is incurred. The cost entries of attorney and staff are kept and maintained in the ordinary course of business within our time entry software.

4. Each of the costs listed is allowable by law and Local Civil Rule 54.1(a), is correctly stated, and was necessarily incurred.

5. I have reviewed the costs listed in Bill of Cost, submitted herewith, and verify amounts billed are accurately reflected in the Itemization of Costs filed herewith. IPLG and our co-counsel have expended at least \$28,601.70 in costs from the initiation of the 13-cv-2638 case until its dismissal in October 2015.

6. I have considered the most reasonable manner in which to apportion the total amount of costs due to consolidation of the 13-cv-2638 and 13-cv-2763 cases. I considered my

own recollections of the efforts expended, and reviewed the invoices for this matter.

7. ATHI has expended at least \$28,601.70 of taxable costs from the initiation of these two actions until dismissal of the 13-cv-2638 case in October 2015. Given that the cases were inextricably connected, I believe that a fifty percent (50%) apportionment of ATHI's taxable costs for each of these matters is appropriate, each equaling \$14,300.85.

8. Counsel for ATHI shall request the other fifty percent (50%) apportionment of ATHI's taxable costs for the 13-cv-2763 case, and its further costs in that action, in a separate motion filed in the 13-cv-2763 case.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: August 9, 2016

/s/ Otto Lee

Otto O. Lee, Esq.
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Attorneys for Defendants: AMERICAN
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INC., YAT CHAU (USA) INC., TUNG
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YONG LONG SUPERMARKET INC., and
PO WING HONG FOOD MARKET INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

C&L INTERNATIONAL TRADING INC., *et al.*,

Plaintiffs,

- against -

AMERICAN TIBETAN HEALTH
INSTITUTE, INC., *et al.*,

Defendants.

13 Civ. 2638 (LLS)

PLAINTIFFS' OBJECTIONS TO PROPOSED BILL OF COSTS

Plaintiffs respectfully submit these objections to ATHI's proposed bill of costs. Plaintiffs direct these objections solely to the ministerial computation of the bill of costs by the Clerk under the Federal Rules of Civil Procedure and the Local Rules of this Court. Plaintiffs expressly reserve all other objections – including objections directed to the allocation of any taxed costs among the parties, as well as objections to the propriety of the imposition of costs – for consideration by the Court following the Clerk's taxation.

1. Filing Fee (Page 3)

ATHI seeks recovery of a filing fee for the summons and complaint. However, ATHI was a defendant in 13-CV-2638. As a defendant, ATHI did not need to pay a filing fee to be sued. This cost therefore should be disallowed.

PLAINTIFF
PAID FILING
FEE

2. Process Server Fees (Page 5)

ATHI seeks recovery of process-server fees, as well as witness fees.

Process server fees are not recoverable under Local Rule 54.1(c)(7): "Attorney fees and disbursements and other related fees and paralegal expenses are not taxable except by order of the Court." [Emphasis added.] There has been no order of the Court permitting recovery of process-server fees. Thus, the process server fees are not recoverable.

ALLOWABLE
UNDER RULES
NOT WITNESS
FEE

Nor was there any payment or proof of payment (e.g., cancelled check) showing that the witness fee was actually paid to the witness. Thus, upon the deficient showing made by ATHI, the witness fees are not recoverable.

In sum, none of the costs sought in this section should be allowed.

3. Court Transcripts (Page 8)

ATHI seeks the costs for transcripts of various proceedings before the Court. Local Rule Local Rule 54.1(c)(1) permits the recovery of costs for "transcript[s] of Court proceedings prior to or subsequent to trial . . . only when authorized in advance or ordered by the Court." [Emphasis added.] The Court has neither "authorized in advance [n]or ordered" such costs to be taxed.

*Court Trial
Transcripts
Allowable
under Rules*

In sum, none of the costs sought in this section should be allowed.

4. Copy Costs (Page 21)

ATHI seeks the costs for printing various documents. Local Rule 54.1(c)(5) does not permit recovery of costs for copies: "A copy of an exhibit is taxable if the original was not available and the copy was used or received in evidence. The cost of copies used for the convenience of counsel or the Court are not taxable." [Emphasis added.] Additionally, ATHI does not indicate that the "original was not available" or which (if any) of these copies were "received in evidence."

*Partially
Allowable
under Rules*

In sum, none of the costs sought in this section should be allowed.

5. Witness Reimbursements (Page 37)

ATHI seeks costs for the putative travel expenses of two witnesses. Certain elements of these costs should not be allowed.

- A. ATHI seeks costs for flying witness Daniel Liu between Phoenix, Arizona and the New York metropolitan area. However, according to Mr. Liu's own testimony, Mr. Liu was a local resident of New York. See Mar. 24, 2015 Trial Transcript at 168:8-12 ("I was a real estate agent in New York, and also a paralegal."). ATHI offers no explanation for why costs should be taxed to enable Mr. Liu to travel

*Allowable under
Rules*

to and from a place where he is not a resident, and this cost should be disallowed.

- B. ATHI also seeks the purported costs for Mr. Liu's hotel from March 24-25, 2015. As indicated above, Mr. Liu had testified that he was working in New York at the time and therefore would not have been entitled to hotel costs. See Mar. 24, 2015 Trial Transcript at 168:8-12 ("I was a real estate agent in New York, and also a paralegal.").

ALLOWABLE
IN RESPONSE TO
OBJECTIONS. DEC 6 310
BEN 2763 STATES
THAT MR. LIU WAS
NOT LIVING IN N.Y.
AT THE TIME
THEREFORE ALLOWABLE

Separate from the question of his residency, Mr. Liu would not be entitled to two nights of hotel charges. Mr. Liu's testimony was specifically scheduled to be completed by March 24 for his convenience. See March 24, 2014 Trial Transcript at 149:2-6 (ATHI's counsel explaining "[W]e have a witness [Mr. Liu] who is here today to testify that can only testify today").

REASONABLE THAT MR.
LIU ARRIVED ON 3/24
AM FOR HIM TO
STAY OVER TILL NEXT
DAY
1 DAY HOTEL
ALLOWABLE

Even if Mr. Liu were not a New York resident, there is no reason why Mr. Liu needed to stay in New York City after his testimony, much less an entire extra day if he knew that he "can only testify today [on March 24]." Indeed, given the arrangements made for his benefit, Mr. Liu easily could have flown into New York City, testified, and left on the same day.

At a minimum, the hotel costs for March 25 should be denied because Mr. Liu had already completed testimony the day before. Additionally, in view of Mr. Liu's ability to have completed his testimony on March 24, he could have departed, and his hotel costs for March 24 should be disallowed as well.

- C. ATHI seeks costs for flying witness Brian Marcus via "Business" Class to New York (see Page 46). Costs for Business Class seats are not recoverable as costs: "Such a witness shall utilize a common carrier at the most economical rate reasonably available." 28 U.S.C. 1821(c)(1). The costs of the business-class fare should therefore be disallowed.

ALLOWABLE SEEMS
MR. MARCUS PAID
TO UPGRADE TO
BUSINESS CLASS
SEE AIRLINE RECEIPT
ALLOWABLE

- D. ATHI seeks three days and two hotel nights of hotel costs for witness Brian Marcus. Mr. Marcus testified on March

MR. MARCUS, IS ONLY
SEEKING 2 DAYS
HOTEL WITNESS REASONABLE
NIGHTS BEFORE AND
FOLLOWING WITNESS
LEAVE DAY AFTER

25. His testimony was short: the direct and cross examinations combined took up only 15 double-spaced pages in the transcript. (See Mar. 25, 2014 Trial Transcript at 205-20.) In view of the brevity of Mr. Marcus's testimony, there was no reason why he needed lodging for three days and two nights in New York City. Mr. Marcus's hotel costs should be disallowed.

REASONABLE THAT HE HAD
TO ARRIVE NIGHT BEFORE
AND LEAVE DAY AFTER

- E. ATHI also seeks \$112 for three days of parking fees for Mr. Marcus. As indicated above, Mr. Marcus testified for only a few minutes on March 25, 2014. There was no justification for the costs of three days of parking. The costs of two days' parking should be disallowed.

ALLOWABLE

In sum, subject to the Clerk's discretion, a maximum of \$37.33 for the parking costs sought in this section should be allowed.

6. Translation (Page 51)

- A. ATHI seeks the costs of obtaining two copies of a New York State trademark. Local Rule 54.1(c)(5) authorizes costs for only one such copy: "A copy of an exhibit is taxable if the original was not available and the copy was used or received in evidence." [Emphasis added.] "The cost of copies used for the convenience of counsel or the Court are not taxable." Id. Thus, the only the first copy for \$6.00 should be disallowed.

\$6.00
ALLOWABLE

- B. ATHI also seeks translation costs for newspaper ads. The costs of translation are not recoverable: "[C]ompensation of interpreters' in [28 U.S.C.] §1920(6) does not include costs for document translation." Taniguchi v. Kan Pacific Saipan, Ltd., 132 S. Ct. 1997, 2011 (2012). The translation costs should therefore be disallowed.

NOT ALLOWABLE

In sum, subject to the Clerk's discretion, a maximum of \$6.00 of the costs sought in this section should be allowed for the first copy of the New York State trademark.

7. Interpreters' Fees (Page 56)

ATHI seeks costs for interpreter's fees for various proceedings. These costs should be denied.

- A. Local Rule 54.1(c)(4) provides that "The reasonable fee of a competent interpreter is taxable if the fee of the witness involved is taxable." [Emphasis added.] Here, the fee of the witness was not taxable for two reasons.

First, the cost of an interpreter is not recoverable for a party because the witness fee for a party is never taxable: "No party to the action may receive witness fees" Local Rule 54.1(c)(3)(sent.2).

Ms. Lee was the corporate plaintiff's representative, and as the natural person representing the plaintiff corporation, her corporation would not be entitled to recover her witness fees under Local Rule 54.1(c)(3). Consequently, because Local Rule 54.1(c)(4) provides that the cost of an interpreter cannot be taxed if "the fee of the witness involved is not taxable," and because Local Rule 54.1(c)(4) disallows witness fees for parties, the costs of the interpreters should be denied.

- B. Independent of the reasons above, the costs sought by ATHI are also untaxable for piecemeal reasons.

1. ATHI seeks \$2,325.00 for "Court Interpretation" on March 22, 2014. However, the 2014 trial didn't start until two days later – on March 24, 2014. See March 24, 2014 Trial Transcript. ATHI's request for \$2,325.00 in "Court Interpretation" on March 22 therefore should be denied.
2. ATHI seeks a total sum of \$4,800.00 for interpreters' fees on March 27, 2014. There were, however, no proceedings requiring interpretation on March 27. See March 27, 2014 Trial Transcript at 302-34. Ms. Lee's testimony had already been concluded before the lunch break the day before, on March 26. See March 26, 2014 Trial Transcript at 204:20. Moreover, all witnesses had completed examination the day before as well. See March 26, 2014 Transcript at 283:13. Because Local Rule 54.1(c)(4) provides that "[t]he reasonable fee of a competent interpreter is taxable if the fee of the

Agreed w/ objection
NOT ALLOWABLE

Agreed w/ objection
NOT ALLOWABLE
INTERPRETER FEES
SUBTRACTED

Agreed NO PARTY
TO AN ACTION CAN
GET WITNESS FEES
THAT UNDER RULE
INTERPRETING COSTS
ARE NOT ALLOWABLE
SINCE THE WITNESS
FEES OF PARTY TO
ACTION ARE NOT
ALLOWED

witness involved is taxable" [emphasis added], but there were no witnesses on March 27, 2014, the interpreters' fees for March 27, 2014, should be disallowed.¹

3. ATHI seeks \$100.00 for "English translation re: documents" incurred on August 25, 2014. Expenses for translations are not recoverable as costs. Taniguchi v. Kan Pacific Saipan, Ltd., 132 S. Ct. 1997, 2011 (2012). *Agree w/objection*
4. ATHI seeks \$2,700.00 for a June 17, 2015 "Court Interpretation." This appears to be a fee for the 2015 second trial. However, ATHI was not the prevailing party at the 2015 second trial, and ATHI is not entitled to recover any costs arising out of that trial. See June 18, 2015 Transcript at 366:8-10 (verdict read as "C&L did not know that its sales of Kam Ng and her companies' products infringed ATHI's rights"). *Agree w/objections*
5. ATHI seeks \$850.00 for a June 25, 2015 "Cantonese Interpretation." However, there was no trial nor any proceedings involving witnesses on June 25, 2015. To the extent that these were translation costs, such expenses are not recoverable as costs. Taniguchi v. Kan Pacific Saipan, Ltd., 132 S. Ct. 1997, 2011 (2012). *Agree with ~~obj~~ objections*

In sum, none of the costs sought in this section should be allowed.

8. Other Costs (Page 65)

- A. ATHI seeks \$622.50 in costs associated with the March 18, 2014 deposition of Shirley Lee. Local Rule 54.1(c)(2) permits recovery of the costs for deposition transcripts if the transcript "was used or received in evidence at the trial." ATHI never proposed Ms. Lee's deposition transcripts at trial, and ATHI's submissions do not aver *partially allowable under rules*

¹ Even if there had been testimony on March 27, the fee would not have been "reasonable." Even assuming that the proceedings went for an entire 8-hour day (which they did not), the fee for \$4,800.00 would have resulted in a rate of \$600.00 per hour.

that ATHI had done so. Accordingly, the costs for the March 18, 2014 deposition of Shirley Lee should be denied.²

- B. ATHI seeks \$144.00 in costs for a "rough ASCII transcript" associated with the March 18 deposition of Shirley Lee. Local Rule 54.1(c)(2) permits recovery of the costs for deposition transcripts if the transcript "was used or received in evidence at the trial." ATHI never proposed Ms. Lee's Rough ASCII transcript at trial, and ATHI's submissions do not aver that ATHI had done so. Accordingly, the costs for "rough ASCII transcript" of the March 18, 2014 deposition of Shirley Lee should be denied.

*Agreed
not allowable*

- C. ATHI seeks \$1,636.50 in costs associated with the March 22, 2014 Transcript for Kam Ng. Local Rule 54.1(c)(2) permits recovery of the costs for deposition transcripts if the transcript "was used or received in evidence at the trial." ATHI never proposed Ms Ng's deposition transcript at trial, and ATHI's submissions do not aver that ATHI had ever done so. Accordingly, the costs for the March 22, 2014 deposition of Kam Ng should be denied.³

*Not allowable
Agreed
Not allowable
According to
R's Poser
0 B's motions
were used in the
production of
dispositive matters*

- D. ATHI seeks \$1,394.95 costs associated with the November 20, 2014 deposition of Sammy Chow. Local Rule 54.1(c)(2) permits recovery of the costs for deposition transcripts if the transcript "was used or received in evidence at the trial." ATHI never proposed Ms. Chow's deposition transcripts at trial, and ATHI's submissions do not aver that ATHI had ever done so. Accordingly, the costs for the November 20, 2014 deposition of Sammy Chow should be denied.⁴

*Not allowable
Same reason
See 0
As the receipt
for attorneys
eyes only
\$0*

² Even if the costs were taxable, the \$622.50 sum sought is unsupported and inconsistent with the sum indicated on the receipt (Page 66), which shows the purchase of four "DVD/MPEG-1" copies in addition to the regular transcript copy. ATHI never proposed Ms. Lee's "DVD/MPEG-1" deposition transcripts at trial.

³ Even if the costs were taxable, the \$1,636.50 sum sought includes items which are not taxable as the cost of a transcript, as shown in the invoice. See Page 68. Among the impermissible costs sought by ATHI are "Videographer Setup" Fees, "Videographer Hourly" Fees, "Video Files," and "Rush Premium" Services.

⁴ Even if the costs were taxable, the \$1,394.95 sum sought includes items which are not taxable as the cost of a transcript. Among the impermissible costs are "Exhibit Fees," "Interpreter's Fees," "Draft Transcript (ASCII)" and "Processing Surcharge[s]."

- E. ATHI seeks \$1350.00 in interpreters' costs associated with the November 20, 2014, deposition of Mr. Sammy Chow. Ms. Chow was the representative for the defendant corporation C&L International Trading Inc. in this litigation.

~~Agree~~
~~with objection~~
~~allowance~~
~~under rules~~
~~not allowable~~

Local Rule 54.1(c)(4) allows for interpreters' fees only "if the fee of the witness involved is taxable." As stated above, Mr. Chow's deposition transcript cannot be taxed because ATHI had not used Mr. Chow's deposition transcript at trial. This, because the underlying "fee of the witness involved [was not] taxable," the accompanying interpreters' fee cannot be taxed either.

~~Agree~~ ~~with objection~~
~~not allowable~~

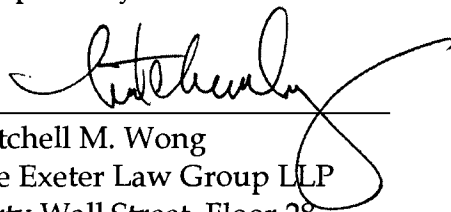
Moreover, under Local Rule 54.1(c)(3)(sent.2), a party may never receive witness fees: "No party to the action may receive witness fees" Because Ms. Chow was merely the president and representative of C&L (a party), ATHI cannot recover witness fees, and therefore cannot recover interpreters' fees.

~~Agree~~ ~~with objection~~
~~not allowable~~

In sum, none of the costs sought in this section should be allowed.

Dated: August 25, 2016
New York, New York

Respectfully,



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Tel.: (212) 671-1068
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Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

C&L INTERNATIONAL TRADING INC.,
K&C INTERNATIONAL TRADING INC.,
and KAM NG,

Plaintiffs,

v.

AMERICAN TIBETAN HEALTH
INSTITUTE, INC., CHUNG KEE (USA)
INTERNATIONAL INC., YAT CHAU (USA)
INC., TUNG REN TANG, RON FENG
TRADING INC., FARGO TRADING INC.,
YONG LONG SUPERMARKET INC., and
PO WING HONG FOOD MARKET INC.,

Defendants.

Case No.: 13-CV-2638 (LLS)

**DEFENDANTS' ITEMIZATION OF
COSTS**

The costs of the related actions 13 Civ. 02638 and 13 Civ. 2638 are inextricably intertwined, as the actions have been tried together and "these two cases [were] consolidated for all purposes" (*see* Docket No 15, Case No. 13 Civ. 2638) until the Court's recent July 8, 2016 Order. For this reason, Defendants submit the costs incurred with both actions for the relevant time period, and request the Court to apply a reasonable apportionment. Defendants request an apportionment of half (50%) of the \$28,601.70 in costs itemized on the Bill of Costs filed herewith, equaling \$14,300.85.

Respectfully submitted,

Dated: August 9, 2016

By: /s/ Otto Lee

Otto O. Lee, Esq. (admitted *pro hac vice*)
INTELLECTUAL PROPERTY LAW GROUP LLP
12 South First Street, 12th Floor
San Jose, CA 95113
Telephone: (408) 286-8933

Facsimile: (408) 286-8932



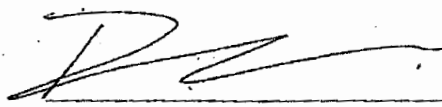
Email: olee@iplg.com

Attorneys for Defendants: AMERICAN
TIBETAN HEALTH INSTITUTE, INC.,
CHUNG KEE (USA) INTERNATIONAL
INC., YAT CHAU (USA) INC., TUNG
REN TANG, RON FENG TRADING INC.,
YONG LONG SUPERMARKET INC., and
PO WING HONG FOOD MARKET INC.

Fees to Clerk

Date	Description	Cost
4/24/2013	Filing Fee for Summons and Complaint	\$350.00

Total cost of fees to clerk \$350.00

DAVID W. KLOSS, ATTORNEY-AT-LAW IOLA ACCOUNT 69 DELAWARE AVE. SUITE 1003 BUFFALO, NY 14202		5147
PAY TO THE ORDER OF <u>United States District Court Clerk</u>		DATE <u>April 24, 2013</u> 10-4-220
<u>Three hundred and fifty dollars and 00/100</u>		\$ <u>350.00</u>
 M&T Bank <small>Manufacturers and Traders Trust Company Through Maple Office</small>		DOLLARS  Security Features See Back
FOR <u>American Tobacco Health Filing of Petition</u>		
⑈005147⑈ ⑈022000046⑈		9844069378⑈

①
 PLAINTIFF
 Paid Filing
 Costs.

Fees for Service

Date	Description	Cost
5/26/2015	<p>One Legal Online Court Services (\$199.95 - Priority Process Serving. \$51.20 - Witness Fees, \$1.33 convenience Fee) for: Plaintiff: American Tibetan Health Institute, Inc. Defendant: Ng, et al. Documents: Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action. Court Branch: United States District Court, Southern District of New York. Serve Information: Kam "Kelly" Ng. 6221 20th Avenue. Brooklyn NY 11204</p>	\$252.48

Total cost for fees for service \$252.48

51.20 NOT ALLOWABLE

199.95 ALLOWABLE
1.33

201.28
÷ 2

100.64

**Paid Invoice Receipt**

Date	5/26/2015
Acct. No.	0063592
Cash Sale #	00242124
Due Date	

Intellectual Property Law Group LLP
Otto Lee
12 South First Street
12th Floor
San Jose CA 95113

Sales Order: 1776382
Firm Contact: Bonnie J. Wolf
Filer Name: Otto Lee
Billing Code: ATHI.LT1
Plaintiff: American Tibetan Health Institute, Inc.
Defendant: Ng, et al.
Documents: Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action
Court Branch: United States District Court, Southern District of New York
Target:
Served:
Serve Info:
Kam "Kelly" Ng
6221 20th Avenue
Brooklyn NY 11204

Item	Amount
Priority Process Serving	199.95 ✓
Witness Fees	51.20 ✗
Convenience Fee	1.33 ✓

Total ~~\$252.48~~

8 100.64

Statutory court fees and witness fees disbursed on your behalf are assessed a 2.0% convenience fee for processing and collecting these disbursements. The convenience fee is waived if you elect the ACH payment service.

Defendants' Reimbursement of Costs
Case No.: 13-CV-2638 (LLS)

Chi Dien Mai

From: Kate Koch [kkoch@iplg.com]
Sent: Thursday, May 28, 2015 9:27 AM
To: Chi Mai
Cc: Bonnie Wolf
Subject: FW: Transaction Notification for order #1776382 : Customer 0063592
Attachments: Credit Card Sale_00242124.pdf

From: One Legal Accounting Dept. [mailto:accounting@onelegal.com]
Sent: Thursday, May 28, 2015 3:53 AM
To: olee@iplg.com
Subject: Transaction Notification for order #1776382 : Customer 0063592

Dear Intellectual Property Law Group LLP:

This email is to inform you that we have charged the item(s) below to your credit card on file:

Sales Order Number(s)/Amount(s):

1776382 252.48

Cash Sale # 00242124

Credit Card: *****8199

If you have any questions or concerns, please contact One Legal Accounting Support at 1-800-938-8815 or by email at accounting@onelegal.com.

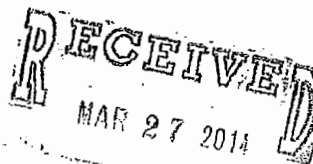
Thank you for choosing One Legal.

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

Kloss, Stenger & Lotempio
 69 Delaware Ave
 Suite 1003
 Buffalo, NY 14202-

Attention: David Kloss

INVOICE

INVOICE NO. 0352771-IN

INVOICE DATE 03/24/2014

CUSTOMER NO. 1024563

WORK ORDER NO. 143434

SALESPERSON Siwik, Christine

Job Date AMERICAN TIBETAN V KAM NG, ET AL.
 CASE NO. 13CV02763

Date	Description	Qty	Unit	At	Price	Total
3/21/2014	Original	59	PGES	At	7.000	413.00
3/21/2014	Diskette	59	PGES	At	0.500	29.50
3/21/2014	Real Time Unedited Trans	59	PGES	At	3.050	179.95

5592127
 SOUTHERN DISTRICT REPORTERS
 500 PEARL ST RM 330
 NEW YORK, NY 10007
 (212) 805-0300

Ref #: 915

Sale

Entry Method: Manual

14:19:17

Appr Code: 057320

Batch #: 000150

03/24/14

Inv #: 000015

Apprvd: OnLine

AUS Code: Z

V-Code: H

Total: \$ 768.95

Customer Copy
 THANK YOU!!

Term ID: 001

XXXXXXXXXXXX4330

VTSH

NOT FOR TRIP

BO

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

9

Net Invoice:	622.45
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	622.45

Fees for Court Transcripts

Date	Description	Cost
3/27/2014	Southern District Reporting P.C. (Transcripts)	0 \$758.95
3/31/2014	Southern District Court Reporters - Fee for Order Certified Trial Transcript (\$82.80 - 3/24, \$141.60 - 3/25, \$134.40 - 3/26, \$40.80 - 3/27)	\$399.60
7/26/2014	Southern District Reporters - Fee for Transcript of hearing before J. Stanton on July 22, 2014.	0 \$221.40
8/5/2014	Southern District Reporters - Fee Transcript of hearing before J. Stanton on 8/5/2014.	0 \$272.34
10/27/2014	Southern District Reporters Fee for Transcript of Conference hearing before Judge Stanton on 10/24/2014.	0 \$124.80
2/26/2015	Southern District Reporters fee for Transcript from 2/20/2015 Conference before Judge Stanton.	0 \$219.78
6/9/2015	Southern District Reporters P.C. - Fees for Transcript of pre-trial conference transcript. \$106.56 - Job Date 6/5/2015. \$293.76 - Job Date 6/15/2015. \$624.75 - Job Date 6/16/2015. \$481.95 - Job Date 6/17/2015. \$380.97 - Job Date 6/18/2015.	106.56 0 Conference \$1,887.99

NOT FOR TRIAL 3/21/2014

✓ FOR TRIAL

PRE-MOTION CONFERENCE

HEARING

CONFERENCE HEARING

CONFERENCE

\$1,781.43 TRIAL TRANS.

Total costs for court transcripts

~~\$3,884.86~~

399.60

1781.43

2181.03

÷ 2

1,090.52

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

Kloss.Stenger & Lotempio
 69 Delaware Ave
 Suite 1003
 Buffalo, NY 14202-

Attention: David Kloss

INVOICE NO. 0352770-IN

INVOICE DATE 03/24/2014

CUSTOMER NO. 1024563

WORK ORDER NO. 143410

SALESPERSON Siwik, Christine

Job Date C&L INTERNATIONAL TRADING V CHUNG KEE
 CASE NO. 13CV02638

3/21/2014 Original 26 PGES At 5.250 136.50

*QD
 NOT FOR TRAIL*

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

10

Net Invoice: 136.50
 Less Discount: 0.00
 Freight: 0.00
 Sales Tax: 0.00
 Invoice Total: 136.50

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

Intellectual Property Law Grou
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie Jean Wolf

INVOICE NO. 0356869-IN
 INVOICE DATE 04/04/2014
 CUSTOMER NO. 1024595
 WORK ORDER NO. 143851
 SALESPERSON Adrian Sharper

Job Date	C&L INTERNATIONAL TRADING V CHUNG KEE					
	CASE NO. 13CV02638					
3/24/2014	Copy	69	PGES	At	1.200	82.80
3/25/2014	Copy	118	PGES	At	1.200	141.60
3/26/2014	Copy	112	PGES	At	1.200	134.40
3/27/2014	Copy	34	PGES	At	1.200	40.80

5590107
 SOUTHERN DISTRICT REPO
 500 PEARL ST RM 330
 NEW YORK, NY 10007
 (212) 805-0300

Ref #: 010

Term ID: 001

Sale

XXXXXXXXXXXXX6718

MASTER CARD

Entry Method: Manual

16:57:30

Appr Code: 035067

Batch#: 000169

04/04/14

Inv #: 000010

Apprvd: Online

ANS Code: Z

V-Code: M

Total: \$ 399.60

Customer Copy
 THANK YOU!

*399.60
 FOR TRIP*

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

11

Net Invoice:	399.60
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	399.60

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

INW #18852

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A:
 (212) 805-0300

INVOICE NO. 0380967-IN
 INVOICE DATE 07/30/2014
 CUSTOMER NO. 1024595
 WORK ORDER NO. 147270
 SALESPERSON Siwik, Christine

Intellectual Property Law Grou
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie Wolf

Job Date	C&L INTERNATIONAL TRADING V CHUNG KEE				
	CASE NO. 13CV02638				
7/22/2014	Original	41	PGES	At	5,400 221.40

J.R.G. - BW

5590107
 SOUTHERN DISTRICT REPO
 500 PEARL ST RM 330
 NEW YORK, NY 10007
 (212)805-0323

Term ID: 001

Ref #: 015

Sale

XXXXXXXXXXXX6718

MASTERCARD

Entry Method: Manual

07/30/14

17:19:46

Inv #: 000015

Appr Code: 00264J

Apprvd: Online

Batch#: 000250

AVS Code: Z

V-Code: M

Total: \$ 221.40

Customer Copy
 THANK YOU!

B D
FOR
CONFERENCE

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

12

Net Invoice:	221.40
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	221.40

INVOICE

ATH, LT1

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

INVOICE NO. 0388934-IN

INVOICE DATE 08/18/2014

CUSTOMER NO. 1024595

WORK ORDER NO. 147866

SALESPERSON Siwik, Christine

Intellectual Property Law Group
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie Wolf

Job Date C&L INTERNATIONAL TRADING V CHUNG KEE
 CASE NO. 13CV02638

8/5/2014 Original 51 PGES At 5.340 272.34

Hourly
 Aug 2014
 T.S.

5590107
 SOUTHERN DISTRICT REPO
 500 PEARL ST
 NEW YORK, NY 10007
 (212) 805-0300

Ref #: 902

Sale

XXXXXXXXXXXX6718
 MASTERCARD
 08/18/14
 Exp. Date: 08/08/14
 Approved: Online
 ANS Code: Z
 V-Code: N

Entry Method: Manual
 10:55:06
 Paper Code: 03382J
 Batch#: 000263

Total: \$ 272.34

Customer Copy
 THANK YOU!

\$0
 for Hearing

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

13

Net Invoice: 272.34
 Less Discount: 0.00
 Freight: 0.00
 Sales Tax: 0.00
 Invoice Total: 272.34

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
500 Pearl St
Room 330
New York, N.Y. 10007
U.S.A.
(212) 805-0300

Intellectual Property Law Group
12 South First Street
Suite 1205
San Jose, CA 95113

Attention: Amanda Wiseman

INVOICE NO. 0403593-IN
INVOICE DATE 11/12/2014
CUSTOMER NO. 1024595
WORK ORDER NO. 150086
SALESPERSON Siwik, Christine

ATHI, LTI
CT. S.

Job Date AMERICAN TIBETAN V KAM NG, ET AL.
CASE NO. 13CV02763

10/24/2014 Original 40 PGES At 3.120 124.80

5539187
SOUTHERN DISTRICT REPO
500 PEARL ST RM 330
NEW YORK, NY 10007
(212) 805-0300

Term ID: 001

Ref #: 001

Sale

XXXXXXXXXXXX199

MASTERCARD

11/12/14

Inv #: 0000001

Approved: Online

AMS Code: Z

V-Code: M

Entry Method: Manual

11:56:25

Appr Code: 00257J

Batch#: 000322

Total:

\$ 124.80

Customer Copy
THANK YOU!

80
FOR
CONFERENCE

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
Case No.: 13-CV-2638 (LLS)

14

Net Invoice: 124.80
Less Discount: 0.00
Freight: 0.00
Sales Tax: 0.00
Invoice Total: 124.80

SOUTHERN DISTRICT REPORTERS PC

Tax ID No. 13-2775946

500 Pearl St.
Room 330
New York, NY 10007
Tel No. (212) 805-0300

INVOICE NO.: 0412914-IN
INVOICE DATE: 02/26/15

CUSTOMER NO.: 1024595
WORK ORDER NO.: 153657
SALESPERSON: CSIW

Intellectual Property Law Group
12 South First Street
Suite 1205
San Jose, CA 95113
Attention: Amanda Wiseman

PAYMENT IS DUE UPON RECEIPT

JOB DATE AMERICAN TIBETAN V KAM NG, ET AL.
CASE NO. 13CV02763

Original	5.00	Pages at	\$6.66	33.30
Original	28.00	Pages at	\$6.66	186.48

PAID
CK. NO. MC
DATE 2/27/15

Confonced

Net Invoice:	219.78
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	219.78

**WE ACCEPT VISA, MASTERCARD, AMERICAN EXPRESS AND DISCOVER
CARDS**

106.56
293.76
624.75
481.95
380.97
\$1,887.99

80
Con Forwards

Net Invoice:	106.56
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	106.56

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

Intellectual Property Law Group
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie J Wolf

ATHL. L T/

INVOICE NO. 0445551-IN
 INVOICE DATE 06/23/2015
 CUSTOMER NO. 1024595
 WORK ORDER NO. 157444
 SALESPERSON Siwik, Christine

Job Date AMERICAN TIBETAN V KAM NG, ET AL.
 CASE NO. 13CV02763

6/15/2015 Original 64 PGES At 4.590 293.76

293.76
Allowed

PAID

CK. NO. _____
 DATE _____

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

17

Net Invoice:	293.76
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	293.76

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

ATHL. L.T.

INVOICE NO. 0445549-IN
 INVOICE DATE 06/23/2015
 CUSTOMER NO. 1024595
 WORK ORDER NO. 157445
 SALESPERSON Siwik, Christine

Intellectual Property Law Group
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie J Wolf

Job Date AMERICAN TIBETAN V KAM NG, ET AL.
 CASE NO. 13CV02763

6/16/2015 Original 119 PGES At 5.250 624.75

Entered on (T.S.)

5598107
 SOUTHERN DISTRICT REPO
 500 PEARL ST RM 330
 NEW YORK, NY 10007
 (212) 805-0323

Term ID: 081

Ref #: 002

Sale

XXXXXXXXXXXX7448

MASTERCARD

Entry Method: Manual

06/24/15

09:50:42

Inv #: 000002

Appr Code: 04479J

Apprvd: Online

Batch#: 000471

AVS Code: Z

V-Code: M

Total: \$ 1,781.43

Customer: Copy
 THANK YOU!

PAID

CK. NO. _____
 DATE _____

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

18

Net Invoice: 624.75
 Less Discount: 0.00
 Freight: 0.00
 Sales Tax: 0.00
 Invoice Total: 624.75

INVOICE

ATHI. L T/

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

INVOICE NO. 0445547-IN

INVOICE DATE 06/23/2015

CUSTOMER NO. 1024595

WORK ORDER NO. 157446

SALESPERSON Siwik, Christine

Intellectual Property Law Group
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie J Wolf

Job Date AMERICAN TIBETAN V KAM NG, ET AL.
 CASE NO. 13CV02763

6/17/2015 Original 105 PGES At 4.590 481.95

481.95
 Allowable

PAID

CK. NO. _____

DATE _____

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

19

Net Invoice: 481.95
 Less Discount: 0.00
 Freight: 0.00
 Sales Tax: 0.00
 Invoice Total: 481.95

INVOICE

ATHI. LTI

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

INVOICE NO. 0445545-JN
 INVOICE DATE 06/23/2015
 CUSTOMER NO. 1024595
 WORK ORDER NO. 157447
 SALESPERSON Siwik, Christine

Intellectual Property Law Group
 12 South First Street
 Suite 1205
 San Jose, CA 95113

Attention: Bonnie J Wolf

Job Date AMERICAN TIBETAN V KAM'NG, ET AL.
 CASE NO. 13CV02763

6/18/2015 Original 83 PGES At 4.590 380.97

380.97
 ALLOWABLE

PAID

CK. NO. _____
 DATE _____

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Defendants' Itemization of Costs
 Case No.: 13-CV-2638 (LLS)

20

Net Invoice:	380.97
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	380.97

Fees for Printing

Date	Description	Cost
4/24/2013	Gallagher Printing - printing copies of the Summons and Complaint	\$94.83
5/1/2013	Gallagher Printing - exhibits for court appearance	\$70.70
3/14/2014	Copying, Supplies, Exhibit printing for trial	\$854.68
6/12/2015	Gallagher Printing - Xerox copies of Trial Exhibits.	\$212.99
6/15/2015	Printing and Supplies for trial	\$236.64
6/15/2015	Printing and Supplies, and Demonstratives for trial	\$979.89

Total costs for printing fees ~~\$2,449.73~~

~~\$0~~ CONFERENCE OF COUNSEL
~~\$70.70~~ ALLOWABLE
~~- 204.69 = \$649.99~~
~~212.99~~ ALLOWABLE
~~220.02~~ ALLOWABLE
~~371.38~~ ALLOWABLE
~~1508.08~~
~~1508.08~~ ~~1085.50~~
 $\div 2$
762.54

5146

DAVID W. KLOSS, ATTORNEY-AT-LAW
IOLA ACCOUNT
69 DELAWARE AVE. SUITE 1003
BUFFALO, NY 14202

PAY TO THE ORDER OF *Charles Anthony*
Ninety-five dollars and 83/100

DATE *April 24, 2013*

\$ *95.83*

DOLLARS *95*

FOR *Copies*

#005146 ⑆ 022000046 ⑆ 9844089378 ⑆

M&T Bank
Member FDIC
Buffalo, NY Office

RECEIPT

GALLAGHER PRINTING, INC.

9195 MAIN STREET, CLARENCE, NEW YORK 14031 (716) 632-0808 FAX (716) 632-8586

Quick Copy and Commercial Printing

TO:

LotempioAshley-853-1111DATE: 5-1-13

JOB #

QUANTITY	DESCRIPTION	PRICE
652	Copies - Collated + Stapled	65 00
<input type="checkbox"/> CASH <input checked="" type="checkbox"/> CHECK NO. <u>5142</u> DATE PAID _____ RECEIVED BY _____		SUBTOTAL 68 00 TAX 5 70 TOTAL 70 70 DEPOSIT BALANCE DUE

PAID IN FULL
GALLAGHER
PRINTING

70.70

Allowable

DAVID W. KLOSS, ATTORNEY-AT-LAW
IOLA ACCOUNT
69 DELAWARE AVE SUITE 1003
BUFFALO, NY 14202

PAY TO THE ORDER OF *Gallopier Printing*

Seventy dollars and 70/100

M&T Bank
Member FDIC
Serving Western Ohio

FOR *Copies*

DATE *May 1, 2013*

\$ *70.70*

DOLLARS ☐ ☒

5142

10-4-220

⑈005142⑈⑈022000046⑈⑈ 9844069378⑈⑈



August 31, 2013



Date

200.36
123.09
92.52
200.01
5.43
204.69
28.58
\$854.68

** RE-PRINT on March 20, 2014 **

March 20, 2014 23:36
Receipt #: 0219229864
MasterCard #: XXXXXXXXXXXX6718
Reference : «PO not entered»
2014/03/20 22:49

Page: 1

March 20, 2014 23:36
Receipt #: 0219229864
MasterCard #: XXXXXXXXXXXX6718
Reference : 000
2014/03/20 23:02

Page: 1

Qty	Description	Amount
12	PC Basic Station Time/Minute	3.60
92	Computer B&W Prints Letter/Legal	45.08
92	Computer B&W Prints Letter/Legal	45.08
92	Computer B&W Prints Letter/Legal	45.08
2	Computer B&W Prints Letter/Legal	0.98
3	Computer Color Prints Letter/Legal	2.97
13	Computer B&W Prints Letter/Legal	6.37
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
2	Computer Color Prints Letter/Legal	1.98
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
1	Computer Color Prints Letter/Legal	0.99
1	Computer Color Prints Letter/Legal	0.99
1	Computer Color Prints Letter/Legal	0.99
1	Computer Color Prints Letter/Legal	0.99
50	Computer B&W Prints Letter/Legal	24.50
1	Computer Color Prints Letter/Legal	0.99
1	Computer Color Prints Letter/Legal	0.99

SubTotal 184.03
Taxes 16.33
Total 200.36

⑦

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Earn points for your eligible FedEx Office purchases
when you sign up for My FedEx Rewards. Go to
fedex.com/rewards to sign up today.

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card in accordance with the agreement between the
issuer and the Cardholder.

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New York, NY 10021
212-628-5500
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$25 print order
fedex.com/wellsten
Offer Code: 0

Qty	Description	Amount
27	PC Basic Station Time/Minute	8.10
1	Computer Color Prints Letter/Legal	0.99
1	Computer Color Prints Letter/Legal	0.99
2	Computer B&W Prints Letter/Legal	0.98
2	Computer B&W Prints Letter/Legal	0.98
2	Computer B&W Prints Letter/Legal	0.98
2	Computer B&W Prints Letter/Legal	0.98
1	Computer B&W Prints Letter/Legal	0.49
7	Computer Color Prints Letter/Legal	6.93
3	Computer Color Prints Letter/Legal	2.97
7	Computer Color Prints Letter/Legal	6.93
3	Computer Color Prints Letter/Legal	2.97
9	Computer Color Prints Letter/Legal	3.91
23	Computer Color Prints Letter/Legal	22.77
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
1	Computer Color Prints Letter/Legal	0.99
5	Computer Color Prints Letter/Legal	4.95
6	Computer Color Prints Letter/Legal	5.94
10	Computer Color Prints Letter/Legal	9.90
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
1	Computer B&W Prints Letter/Legal	0.49
2	Computer B&W Prints Letter/Legal	0.98
9	Computer B&W Prints Letter/Legal	4.41
4	Computer B&W Prints Letter/Legal	1.96
2	Computer B&W Prints Letter/Legal	0.98
2	Computer Color Prints Letter/Legal	1.98
3	Computer B&W Prints Letter/Legal	1.47
3	Computer B&W Prints Letter/Legal	1.47
9	Computer B&W Prints Letter/Legal	4.41
9	Computer B&W Prints Letter/Legal	4.41
1	PC Basic Station Time/Minute	0.30
1	Computer B&W Prints Letter/Legal	0.49

SubTotal 113.06
Taxes 10.03
Total 123.09

March 20, 2014 23:36
Receipt #: 0219229864
MasterCard #: XXXXXXXXXXXX6718
Reference : 000
2014/03/20 23:02

Page: 2

FedEx Office Print & Ship Centers

1122 Lexington Ave
New York, NY 10021
212-628-5500

Defendants' Itemization of Costs
Case No.: 13-CV-2638 (LLS)



March 21, 2014 00:24 Page: 1
Receipt #: 0219229870
MasterCard #: XXXXXXXXXXXXXXX6718
Reference : 8THI
2014/03/21 00:03

Qty	Description	Amount
86	ES Color S/S LTR	53.32
100	ES B&W S/S White 8.5 x11	12.00
23	ES Color S/S LTR	14.26
45	ES B&W S/S White 8.5 x11	5.40

SubTotal	84.98
Taxes	7.54
Total	92.52

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The Cardholder agrees to pay the issuer of the charge
card in accordance with the agreement between the
issuer and the Cardholder.

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\$5 off your next \$25 print order
fedex.com/wellsten or 1-800-398-0242
Offer Code: _____ Offer expires 6/30/14

Please Recycle This Receipt

** RE-PRINT on March 21, 2014 **

March 21, 2014 00:24 Page: 1
Receipt #: 0219229867
MasterCard #: XXXXXXXXXXXXXXX6718
Reference : <PO not entered>
2014/03/20 23:37

Qty	Description	Amount
72	ES B&W S/S White 8.5 x11	8.64
317	ES B&W S/S White 8.5 x11	38.04
221	ES Color S/S LTR	137.02

SubTotal	183.70
Taxes	16.31
Total	200.01

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** RE-PRINT on March 21, 2014 **

ALLOWABLE
\$292.53



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1122 Lexington Ave
New York, NY 10075
Tel: (212) 828-5500

3/21/2014 12:21:42 AM EST
Team Member: Dean T.

SALE

BTCream 24/60#GrnLtr	1 @	4.9900 T
007975 Reg. Price	4.99	
Regular Total	4.99	
Discounts	0.00	
Total	4.99	

Sub-Total	4.99
Tax	0.44
Deposit	0.00

Total	5.43
-------	------

MasterCard (S)	5.43
----------------	------

Account: 8718
Auth: 07127Z (A)

Total Tender
Change Due

5.43
0.00

Total Discounts 0.00



* 0 2 1 9 0 0 5 9 0 9 4 *

Defendants Itemization of Costs
Case No.: 13-CV-2638 (LLS)



FedEx Office
105 Duane St
New York, NY 10007-3601
(212) 406-1220

Order Date: 03/23/2014 Branch: 0231
Order Time: 12:21:53 Register: 03
Pickup Date: 03/24/2014
Pickup Time: 07:00
Team Member: Howard M.

PICK UP ORDER

023101WQN1

*for what
NO DESCRIPTION
NOT ALLOWED*

Customer: Bonnie Wolf

Total Order	204.69
Total Paid Online	204.69

Sub-Total	0.00
Balance Due	0.00

PICK UP ORDER

023101WQN1

Thank you for visiting

FedEx Office
It. Print It. Pack It. Ship It.
fedex.com/office

Customer Copy



81.40
- 52.82

Total \$ 28.58

FedEx Office

March 23, 2014 20:36
Receipt #: 0231/43012
MasterCard #: XXXXXXXXXXXX0718
Reference: ATHI
2014/03/23 20:00

Page: 1

FedEx Office is your destination
for printing and shipping.

Qty	Description	Amount
7	PC Basic Station Time/Minute	2.10
1	Computer B&W Prints Letter/Legal	0.49
3	Computer B&W Prints Letter/Legal	1.47
3	Computer B&W Prints Letter/Legal	1.47
1	Computer B&W Prints Letter/Legal	0.49
5	Computer Color Prints Letter/Legal	4.05
6	PC Design Station Time/Minute	2.70
18	8.5x11 White 8.5x11	2.16
		20.04
		2.52
		30.30
	Subtotal	74.77
	Taxes	8.83
	Total	81.40

Subtotal
Taxes
Total

*Printed Papers
STOCKS*

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Offer Code: _____ Offer expires 6/30/14

Defendants' Itemization of Costs

Please Recycle This Receipt

105 Duane St
New York, NY 10007-3601
Tel: (212) 406-1220

3/23/2014 8:47:03 PM EST
Team Member: Howard M.
Customer: bonnie wolf

REFUND

Comp CLR 8.5x11 -49 @ 0.9900 T
002469 Reg. Price 0.99
EP-Spoilage

Sub-Total (48.51)
Tax (4.31)
Deposit 0.00

Total (52.82)

MasterCard (S) (52.82)

Account: 6718
Auth: SysAuthCode (A)

Total Tender (52.82)
Change Due 0.00



* 0 2 3 1 0 0 3 7 1 7 1 *



GALLAGHER PRINTING, INC.

9195 Main Street, Clarence, NY 14031
(716) 632-0808 (716) 632-8586 fax

EMAIL: INFO@GALLAGHERPRINTING.COM

VISIT OUR WEBSITE: WWW.GALLAGHERPRINTING.COM

Invoice

Date	Invoice #
6/12/2015	506132

Bill To
KLOSS, STENGER & LoTEMPIO 9545 MAIN STREET CLARENCE, NY 14031

PAID
06/12/2015

P.O. Number	Terms	Rep.
	Due on receipt	C

Quantity	Description	Amount
8	XEROX COPIES X 119 PAGES HOLE PUNCHING	185.86T 10.00T
	ORDER PLACED BY JUSTIN Sales Tax	17.13
<p>ALLOWABLE</p> <p>\$212.99</p>		
		Total \$212.99

16.02
52.34
70.20
98.08
\$236.64

4 220.62
ALLOWABLE

STAPLES

217 Broadway
NEW YORK, NY 10007
(212) 346-9624

NYC DCA EL#1230213 NYC DCA EHSD#1241338
SALE 1638412-2 002 32841
0193 06/14/15 05:51

QTY SKU PRICE

****Promotion****

1 BINDER CLIP 8PK LA
718103156745 4.49

1 BINDER CLIP 8PK LA
718103156745 2.24

* Reg. Price 4.49

* Item Discount <-2.25>

Total Promotion Discount <-2.25>

1 BINDER CLIP 8PK LA
718103156745 4.49

1 BIC RND STIC GRP B
070330139039 3.49

SUBTOTAL 14.71

Standard Tax 8.875%

TOTAL \$16.02

MasterCard 16.02

Card No.: XXXXXXXXXXXX8199 [S]

Auth No.: 03279J

4 16.02

TOTAL 4



June 14, 2015 19:26

Page: 1

Receipt #: 0231810448

MasterCard #: XXXXXXXXXXXX8199

Reference : <PO not entered>

2015/06/14 19:16

Qty	Description	Amount
10	PC Basic Station Time/Minute	3.00
16	Computer B&W Prints Letter/Legal	7.84
32	Computer B&W Prints Letter/Legal	15.68
4	Computer B&W Prints Letter/Legal	1.96
20	Computer B&W Prints Letter/Legal	9.80
8	Computer B&W Prints Letter/Legal	3.92
12	Computer B&W Prints Letter/Legal	5.88

SubTotal	48.08
Taxes	4.26
Total	52.34

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

FedEx Office Print & Ship Centers

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New York, NY 10007
212-406-1220
www.FedExOffice.com

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20% off your next \$35 print order
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Offer Code: _____ Offer expires 12/31/2015

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June 15, 2015 13:48

Page: 1

Receipt #: 0231810591

MasterCard #: XXXXXXXXXXXX8199

Reference : <PO not entered>

2015/06/15 13:35

Qty	Description	Amount
498	ES B&W S/S White 8.5 x11	64.48
SubTotal		64.48
Taxes		5.72
Total		70.20

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

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New York, NY 10007

212-406-1220

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Offer Code: _____ Offer expires 12/31/2015

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June 16, 2015 13:39

Page: 1

Receipt #: 0231810032

MasterCard #: XXXXXXXXXXXX8199

Reference : <PO not entered>

2015/06/16 13:26

Qty	Description	Amount
276	PNG B&W S/S 8.5x11 & 8.5x14	35.88
79	PNG B&W S/S 8.5x11 & 8.5x14	10.27
79	PNG B&W S/S 8.5x11 & 8.5x14	10.27
79	PNG B&W S/S 8.5x11 & 8.5x14	10.27
60	PNG B&W S/S 8.5x11 & 8.5x14	7.80
60	PNG B&W S/S 8.5x11 & 8.5x14	7.80
60	PNG B&W S/S 8.5x11 & 8.5x14	7.80

SubTotal	90.09
Taxes	7.99
Total	98.08

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

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212-406-1220

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Offer Code: _____ Offer expires 12/31/2015

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67.31	0
25.03	0
0.98	0
112.15	0
376.10	366.15
188.34	188.34
28.80	
17.38	
4.25	4.25
160.05	
<u>\$979.89</u>	

NOT ALLOWABLE

KLOS



FedEx Office

NOT ALLOWABLE
\$370.40
ALLOWABLE

Address:

105 DUANE ST
NEW YORK
NY 10007

Location:

FIDKK

Device ID:

-BTC01

Transaction:

850116231936

CONFIRMATION
OF
COUNSEL

FedEx Standard Overnight

780848383626 7.1 LB (S)

67.31①

Direct signature required

Declared Value 900

Fragile- Large, Laptop

790363010913

1 (T)

\$22.99②

Shipment subtotal:

\$67.31

Merchandise taxable subtotal:

\$22.99

Tax(County2): 0.375%

\$0.09

Tax(State): 4.000%

\$0.92

Tax(City): 4.500%

\$1.03

\$25.03②

Total Due:

\$92.34

(S) CreditCard:

\$92.34

*****4669

Shipping
Fees
NOT
ALLOWABLE

M = Weight entered manually

S = Weight read from scale

T = Taxable item

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FedEx Office.

June 14, 2015 12:19
 Receipt #: 0231810414
 MasterCard #: XXXXXXXXXXXX4669
 Reference : <PO not entered>
 2015/06/14 12:17

Page: 1

Qty	Description	Amount
3	PC Basic Station Time/Minute	0.90
SubTotal		0.90
Taxes		0.08
Total		0.98

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binders
 for
 trial

Office Depot
OfficeMax

OFFICE DEPOT STORE 493
 8040 Main Street
 Williamsville NY 14221

(716) 626-2662

06/12/2015 15:24 3:17 PM

STR 493 REG# TRN 917 EMP 643475

Product ID	Description	Total
837558	RNFRCHNT, 200PK	3.29 SS
208819	BDR, ODP, VW, 1"	
8 @ 5.49		43.92
You Pay		43.92SS
408753	INDX, LGL, 1-25,	
8 @ 6.99		55.92
You Pay		55.92SS

Subtotal: 103.13

Sales Tax: 9.02

Total: 112.15

MasterCard 4669: 112.15

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105 Duane St
New York, NY 10007-3601
Tel: (212) 406-1220

6/14/2015 7:56:48 PM EST
Team Member: Howard M.
Customer: amanda wiseman

SALE

A-3-24-2014 trial tr Qty 4 42.00
BW 1S on 24# Wht 280 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 10.50
Regular Total 42.00
Discounts 0.00
B-3-24-2014 trial tr Qty 4 71.40
BW 1S on 24# Wht 476 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 17.85
Regular Total 71.40
Discounts 0.00
C-3-24-2014 trial tr Qty 4 87.80
BW 1S on 24# Wht 452 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 16.95
Regular Total 87.80
Discounts 0.00
D-3-24-2014 trial tr Qty 4 21.00
BW 1S on 24# Wht 140 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 5.25
Regular Total 21.00
Discounts 0.00

Defendants' Itemization of Costs
Case No.: 13-CV-2638 (LLS)

34

E-3-24-2014 trial tr Qty 4 63.38
BW 1S on 24# Wht 528 @ 0.1200 T
000330 Reg. Price 0.15
Price per piece 15.84
Regular Total 79.20
Discounts 15.84

F-3-24-2014 trial tr Qty 4 22.20
BW 1S on 24# Wht 148 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 5.55
Regular Total 22.20
Discounts 0.00

G-3-24-2014 trial tr Qty 4 24.60
BW 1S on 24# Wht 164 @ 0.1500 T
000330 Reg. Price 0.15
Price per piece 6.15
Regular Total 24.60
Discounts 0.00

drilling Qty 4 23.13
Drill Per Sheet 2188 @ 0.0100 T
000371 Reg. Price 0.01
Drilling Setup 1 @ 1.2500 T
000372 Reg. Price 1.25
Price per piece 5.78
Regular Total 23.13
Discounts 0.00

Binder Clips 1.25 in 4 @ 1.9900 T
006585 Reg. Price 1.99
Binder Clips Sm 12Pk 1 @ 1.9900 T
007192 Reg. Price 1.99
Regular Total 9.95
Discounts 0.00

Total 9.95

Sub-Total 345.44
Tax 30.66
Deposit 0.00

Total 376.10

MasterCard (M) 376.10

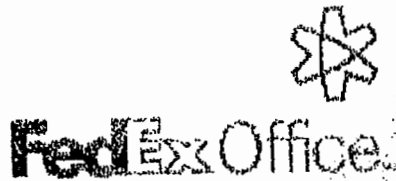
Account: 4669
Auth: 04509J (A)

Total Tender

376.10

*allowed
81 366.15*

NOT allowed



Address: 105 DUANE ST
NEW YORK
NY 10007
Location: FIDKK
Device ID: -BTC01
Transaction: 850116231481

FedEx Express Saver
780848321639 52.0 LB (S) 188.34 ②
Declared Value 0.00

Fragile- Large, 24x24x24
790363010975 1 (T) \$25.99 ②

Shipment subtotal: \$188.34
Merchandise taxable subtotal: \$25.99
Tax(County2): 0.375% \$0.10
Tax(State): 4.000% \$1.04
Tax(City): 4.500% \$1.17

28.30 ②
Total Due: \$216.64

(S) CreditCard: \$216.64
*****4669

H = Weight entered manually
S = Weight read from scale
T = Taxable item

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Or call 1.800.GoFedEx
1.800.463.3339

June 19, 2015 11:52:26 AM



Address: 105 DUANE ST
NEW YORK
NY 10007
Location: FIDKK
Device ID: -BTC01
Transaction: 850116232207

FedEx Ground
780848414099 8.6 LB (S) 17.38
Declared Value 300

Shipment subtotal: \$17.38

Total Due: \$17.38

(S) CreditCard: \$17.38
*****4669

H = Weight entered manually
S = Weight read from scale
T = Taxable item

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June 19, 2015 12:02:47 PM

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fedex.com 800-398-0242
Redempt

*** Thank you ***



June 14, 2015 12:15

Page: 1

Receipt #: 0231810410

MasterCard #: XXXXXXXXXXXX4669

Reference : <PO not entered>

2015/06/14 12:07

Qty	Description	Amount
30	PNG B&W S/S 8.5x11 & 8.5x14	3.90
SubTotal		3.90
Taxes		0.35
Total		4.25

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

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New York, NY 10007
212-406-1220
www.FedExOffice.com

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fedex.com/welisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2015

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FedEx Office
105 Duane St
New York, NY 10007-3601
(212) 406-1220
Order Date: 06/13/2015
Order Time: 01:35:09
Pickup Date: 06/13/2015
Pickup Time: 20:00
Team Member: Ovidio M.
Branch: 0231
Register: 04

PICK UP ORDER

0231025MR1

Customer: Bonnie Wolf

Total Order	160.05
Total Paid Online	160.05
Sub-Total	0.00
Balance Due	0.00

PICK UP ORDER

0231025MR1

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FedEx Office
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fedex.com/office

Customer Copy

allowed
84.25

For what
Disallowed